

REMARKS

Claims 13-14, 16, 18-19, 21-22, 24-27, 29, 31-32, 34-35 and 37-38, as amended, remain in this application for the Examiner's review and consideration. Claims 13 and 26, the only independent claims, have been amended to recite that the game server is configured to host a dynamic, multi-user, network based game environment. In addition, these claims have been amended to clarify that solely the game server is used to send instructions to a separate conference server and to establish a plurality of simultaneous and independent voice over internet protocol based audio conferences within the network based game environment and that each game participant communication device is in communication with only the game server and the audio mixer. In addition, claims 22 and 35 have been amended to clarify that the game server instructs the conference server to set up each media path.

Support for these amendments can be found in the specification and claims as originally filed, for example, in the specification on page 4, lines 1-5, page 6, lines 5-26 and page 11, lines 1-4. As these amendments do not introduce any new matter into the present application, their entry at this time is warranted. Applicants request reconsideration and withdraw of all pending rejections based on the present amendments and the following remarks.

Claims 13 and 26 and all claims depending from these claims were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It was asserted that the recitation "each game participant communication device is in communication with the conference server and the audio mixer but does not directly communicate with the conference server" was not supported in the specification. Applicants note that this language has been removed from both claim 13 and claim 26. Applicants also point to page 6, lines 12-14, where it states that the game participants communicate with the game server and the audio mixer but do not directly send instructions or queries to the conference server. This clearly supports the current recitations of claims 13 and 26, which state that each game participant communication device is in communication with only the game server and the audio mixer. Regarding the assertion from the specification that the audio mixer may be integrated into the conference server (paragraph 0020), this is language that is not in the claimed invention. Therefore, Applicants assert that this rejection has been overcome and respectfully request that

the rejection be reconsidered and withdrawn.

Claim 14 and 27 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. It was asserted that claim 14 recites “telepathic connections” but that it was not described how telepathy can be implemented. In addition, claims 14 and 27 were rejected under 35 U.S.C. § 101 because the disclosed invention is inoperative and therefore lacks utility. It was asserted that claim 14 requires telepathy and that this has not been demonstrated and violates the laws of nature. Applicants note that claims 14 and 27 recite that “the game specific context comprises a common communication medium, membership in a group, telepathic connections or a shared language.” These recitations relate to the specific context within the game or the game environment. These recitations do not relate to a claim of telepathy outside the game specific context as is implied in the instant rejections.

Within a game context, players, characters or avatars can have various qualities, for example, physical features, powers and weapons, among others that may only be valid in the context of the game. In the real physical world, these features are physically impossible. In a game, characters can swim vast distances, fly or display incredible strength. In addition, the settings of these games can be in space, underwater or in fantasy worlds. These types of settings and character qualities have always been used in computer-based and web-based games, and one skilled in the art would understand these settings and qualities and how to implement them in the gaming environment. In addition, the term telepathy is readily understood, and a definition can be obtained from any one of a number of dictionaries including web-based dictionaries. Therefore, the claimed invention is not trying to claim telepathy per se, but the quality of telepathic communication within a game specific context as is readily understood by one skilled in the art. Based on this, Applicants request that these rejections be reconsidered and withdrawn.

Claims 13, 14, 16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,006,616 to Christofferson et al. (“Christofferson”). In the alternative, claims 13, 14, 16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 103(a) as being obvious over Christofferson. It was asserted that Christofferson discloses all of the recitations of the claimed invention or render all of the recitations of the claimed invention obvious. Applicants request reconsideration and withdraw of these rejections for the following

reasons.

Christofferson is directed to a teleconferencing bridge with edgepoint mixing that provides a separate mixing function for each participant in a conference for a high degree of end-user control in a conference. An audio mixer is provided for each participant, and based at least in part on the control streams, the audio bridge returns a separately mixed audio signal to each participant. The interface uses a packet-switched network such as an IP network. The visual interface includes a software program running on a PC such as an interactive gaming program. The participant's location with the virtual environment and the direction the participant is facing can be used in mixing the audio signal. Each participant is in direct communication with the audio-conference bridging system including the system control unit, which establishes the parameters of the conference and the audio bridging unit that includes the edgepoint mixers for providing the audio signals, *see* Figs. 2, 4 and 5. Although the audio-conference bridging system is discussed as being used in conjunction with an interactive gaming application (col. 20, line 56 – col. 21, line 3), there is no disclosure or discussion regarding the components of the interactive gaming system or how the audio-conference bridging system works in conjunction with the interactive gaming application.

By contrast, the present invention as recited in claims 13 and 26, the only independent claims, uses a game server and a separate conference server. The game server is configured to host a dynamic, multi-user, network based game environment and communicates with the game participants and establishes the network based game environment. In addition, the game server maintains the game state profiles for each game participant. The game server identifies the groups of participants and solely instructs the conference server to establish the audio conferences. The conference server establishes the audio paths between the participants and the audio mixers as instructed and controlled by the game server. The participants and the participant communication devices are only in communication with the game server and the audio mixer. The participants are not in communication with and do not send messages or instructions directly to the conference server. Therefore, the participants do not configure and establish the audio communication sessions. Therefore, audio communications are seamlessly provided to the participants by the game server, i.e. the game itself, as part of the overall gaming experiences. No

additional participant input is required other than playing the game.

There is no disclosure in Christofferson of a game server and a separate conference server. In the present invention, the communication devices associated with the participants only communicate to the game server and receive audio from the audio mixer and do not send instructions directly to the conference server. As is illustrated in Figs. 2, 4 and 5 of Christofferson, participants or participant stations communicate directly with the conference servers, i.e., the audio-conference bridging system and the system control unit. In the claimed invention the conference server, in accordance with the game server instructions, creates an audio path between an audio mixer and the game participant communication devices. These are the audio paths that are used for the audio communications among participants. Therefore, the claimed invention is directed to a system that uses a game server that is separate from the conference server to control the audio conferences based upon the game state profiles of the game participants. Christofferson does not disclose a game server. Moreover, in Christofferson the audio conferences are initiated by the conference server in conjunction with requests and actions communicated directly from the participants. In the present invention, the participants do not send instructions to the conference server and are only in communication with the game server and the audio mixer. The game server solely initiates and controls the audio conferences as an integrated part of the gaming experience. Therefore, Christofferson fails to disclose or render obvious all of the recitations of the claimed invention as currently recited in claims 13 and 26.

The dependent claims include additional recitations that further define the present invention over Christofferson. For example, claims 14 and 27 recite that the game specific context includes a common communication medium, membership in a group, telepathic connections and shared language. Christofferson does not discuss these types of game specific context that are used by a game server to identify and establish groups of participants for inclusion in a plurality of concurrent audio conferences. The audio conferences in Christofferson are created by the participants based on requests or actions of the participants to join a given conference. Therefore, the participants determine and create the audio conference groups directly.

Claims 16 and 29 recite that at least one participant is contained in two groups simultaneously and participates in two audio conferences. For example, a given participant can

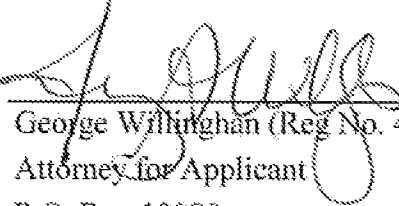
be in one audio conference with everyone in a given room, a second audio conference with only those room occupants that speak the given participant's language and a third audio conference that includes only the given participant's telepathic partner. Christofferson discloses the ability of participants to move into different audio conferences, for example, by moving an avatar to a "Hawaii" button. However, Christofferson does not disclose the simultaneous participation in multiple audio conferences as defined by the game context associated with the participants. Fig. 8 was cited as disclosing this recitation. However, Fig. 8 and the accompanying text do not disclose the simultaneous participation of one participant in two or more audio conferences. Hyperlinks are shown for accessing other virtual chat rooms, but there is no discussion that a given chat room contains multiple simultaneous chats.

Claims 22 and 35 recite that the game server acts as a back-to-back user agent and maintains audio conferences on behalf of the game participants, instructing the game server to set up each media path. There is no such disclosure in Christofferson. As was stated above, Christofferson fails to disclose a game server. Therefore, there is no disclosure regarding the components and function of such a game server including a game server that functions as a user agent for the participants in a game. Again, this functionality facilitates the provision of transparent and automatic audio communication for participants in a game environment, which is structure that Christofferson clearly does not teach or disclose. Christofferson fails to disclose or teach all of the recitations of the present invention as currently claimed, and Applicants respectfully request that the present rejection be reconsidered and withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. Should the Examiner disagree, then Applicants request an interview with the Examiner in advance of an Office Action on the merits. A Request for Continuing Examination along with provisions for payment of the prescribe fee is included with the filing of this submission. No other fees are believed due.

Respectfully submitted,

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